

City of San José, California

CITY COUNCIL POLICY

TITLE	PAGE 1 of 3	POLICY NUMBER 8-14
POST-CONSTRUCTION HYDROMODIFICATION MANAGEMENT	EFFECTIVE DATE October 18, 2005	REVISED DATE

APPROVED BY COUNCIL ACTION
October 18, 2005

BACKGROUND

The discharge of stormwater from the City's municipal storm sewer system is regulated under the Clean Water Act, as well as other Federal and State legislation. Under these regulations, the San Francisco Bay Regional Water Quality Control Board (RWQCB) has issued and reissued an area-wide National Pollutant Discharge Elimination System (NPDES MS4) Permit to the fifteen Co-permittees of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for the discharge of stormwater from urban areas in Santa Clara County, including the City of San Jose.

Under the SCVURPPP Permit, the City of San Jose is required to manage development-related increases in peak runoff flow, volume and duration ("hydromodification"), where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams and creeks. On May 19, 2005, the Council approved the Hydromodification Management Plan (HMP) Final Report, which was prepared for SCVURPPP, to meet the Permit's hydromodification control measure (HCM) requirements.

The SCVURPPP Permit also requires the City of San Jose to ensure the reduction of pollutant discharges from new and redevelopment projects, to the maximum extent practicable (MEP). The reduction of pollutant loading from new and redevelopment projects is addressed in Council Policy 6-29, approved on February 3, 1998, and revised on October 7, 2003, February 15, 2005, and May 17, 2005.

PURPOSE

It is the purpose of this Policy to establish an implementation framework, consistent with the SCVURPPP NPDES MS4 Permit requirements, for incorporating measures into the City's development review and approval process to control hydromodification impacts from new and redevelopment projects where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams and creeks.

POLICY

The Policy requires stormwater discharges from new and redevelopment projects that create or replace one (1) acre or more of impervious surface ("Group 1 Projects") to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. The Policy establishes specified performance criteria for Post-Construction hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements.

GENERAL GUIDELINES

Group 1 Projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition, where such increase is likely to impact beneficial uses. All Group 1 Projects are encouraged to install Post-Construction HCMs.

Projects which are also required to install post-construction treatment control measures (TCMs) under Policy 6-29 are encouraged to install TCMs with flow control benefits. The limitations on the use of infiltration measures and groundwater protection measures contained in Policy 6-29 shall apply to infiltration based HCMs.

Post-Construction HCMs may include a combination of on-site, off-site (same drainage area) and in-stream measures. All Post-Construction HCMs must be maintained to operate effectively.

PERFORMANCE CRITERIA FOR POST CONSTRUCTION HYDROMODIFICATION MEASURES

Subject to the exemptions and impracticability criteria stated below, the following Group 1 Projects shall provide HCMs designed consistent with the HMP Final Report such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow:

1. Projects on sites equal to or exceeding 20 acres in size, which are located in subwatersheds that are less than 90% built out (see attached HMP Map).
2. Projects on sites equal to or exceeding 50 acres in size, which are located in subwatersheds that are greater than or equal to 90% built out and contain less than 65% existing impervious surface area (see attached HMP Map).

Subject to the exemptions and impracticability criteria stated below, Group 1 Projects on sites less than 20 acres in size which are located in subwatersheds that are less than 90% built out (see attached HMP Map) shall provide HCMs through the use of appropriate site design, source control, and treatment control measures with flow control benefits to the maximum extent practicable, and where available shall use off-site and/or in-stream controls. To demonstrate compliance with the MEP criterion, these projects may use small scale, distributed stormwater management techniques such as bioretention facilities, infiltration trenches, filter strips, vegetated swales and multi-functional landscape areas to achieve treatment and flow reduction.

Runoff volume reduction and time of concentrations for small-scale facilities can be computed using a discrete storm event approach until other simplified tools based on continuous simulation modeling are available for sizing flow control BMPs. The projects may demonstrate that this performance criterion is being met by matching pre- and post-project runoff volume and time of concentration (based on the 2- and 10-year storms) to the MEP.

Off-site (same drainage area) or in-stream controls may be implemented to address potential project impacts in lieu of or in combination with on-site controls, where an approved plan, including an appropriate funding mechanism, is in place that accounts for the stream changes expected to result from changes in project runoff conditions. The off-site or in-stream controls or combination of controls shall be designed to achieve the hydromodification management standard of no increase in erosion potential (E_p no greater than 1.0).

Compliance with the above performance criteria may be considered impracticable if the combined construction cost of both required HCMs and TCMs exceeds 2% of the project construction cost (excluding land costs). Project developers shall submit cost documentation to support any claim of impracticability. If the City determines that compliance with the above performance criteria is impracticable based on cost, the project shall implement such HCMs on-site and contribute to such in-stream or off-site HCMs (same drainage area) as may be available, to the extent such measures can be provided, along with all required TCMs, for 2% or less of project costs.

EXEMPTIONS

The following projects are exempt from this Policy:

1. Projects that do not create an increase in impervious surface over pre-project conditions.
2. Projects located within areas that drain to stream channels within the tidally influenced area (see attached HMP Map).
3. Projects located within areas that drain to non earthen stream channels that are hardened on three sides and extend continuously upstream from the tidally influenced area (see attached HMP Map).
4. Projects draining to an underground storm drain that discharges directly to San Francisco Bay.
5. Projects that demonstrate, upon completion of stream-specific and modeling studies that are consistent with the method used in the HMP Final Report and its supporting technical documents, that there will be no increase in potential for erosion or other adverse impact to beneficial uses to any State Waters.